

Defendant.

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**CIVIL ACTION NUMBER:
JURY TRIAL DEMANDED**

COMPLAINT

This is an action brought by the Plaintiff, Steven E. Johnson, for actual and statutory damages, attorney's fees, and costs for Defendant's violations of the Fair Debt Collections Practices Act, 15 U.S.C. § 1692 *et seq.* (hereinafter "FDCPA"). Plaintiff also seeks compensatory and punitive damages for the Defendant's violations of Alabama's common laws set forth herein.

JURISDICTION AND VENUE

This Court has jurisdiction under 15 U.S.C. §1692k (d), and 28 U.S.C. §1331, §1332, and §1367. Venue is proper in that at all relevant times the Defendant transacted business here, and the Plaintiff resides here.

STATEMENT OF THE PARTIES

1. Plaintiff, Steven E. Johnson, is over the age of nineteen (19) years and is a resident of the city of Birmingham in Jefferson County, Alabama. Plaintiff is a “consumer” as defined in the Fair Debt Collection Practices Act (“FDCPA”).
2. Defendant Cavalry SPV I, LLC (hereinafter “Cavalry” or “Defendant”) is and at all times pertinent herein was, a foreign corporation or other legal entity organized under the laws of the State of Delaware with its principal place of business in Valhalla, New York.
3. Cavalry is engaged in the business of a collection agency, using the mails and telephone to collect consumer debts originally owed to others.
4. Cavalry is engaged in the business of collecting debts owed to others and incurred for personal, family or household purposes. Cavalry is a debt collector as that term is defined by the Fair Debt Collection Practices Act at 15 U.S.C. §1692(a)(6).
5. All events herein occurred in Jefferson County, Alabama.

STATEMENT OF FACTS

Background

6. On November 5, 2013, Defendant Cavalry filed suit against Plaintiff Steven E. Johnson in the District Court of Jefferson County, Alabama over a debt allegedly assigned to Cavalry by FIA Card Services, N.A., an entity not a party to this lawsuit. Cavalry's counsel in that case was Nadler & Associates.
7. The lawsuit claimed that Steven E. Johnson owed Cavalry \$9,664.48 plus court costs.
8. On July 14, 2014, Steven E. Johnson and Cavalry entered into a stipulation for consent judgment whereby judgment by consent was entered against Steven E. Johnson and in favor of Cavalry.
9. The stipulation for consent judgment provided that Steven E. Johnson would pay \$200.00 per month each and every month until the amount paid equaled \$5,000.00. Compliance by Steven E. Johnson with the stipulation for consent judgment would stay execution and interest on the judgment. Should Mr. Johnson not comply, the full amount, less payments made would become due.
10. On July 14, 2014, the Court entered an Order for Judgment by Consent.
11. Plaintiff made his payments as agreed.

12. In May 2016, Plaintiff and his spouse were in the process of purchasing a new home.
13. As of May 2016, Plaintiff owed approximately \$400.00 before the consent judgment would be paid in full.
14. In and about his efforts to purchase a new home, Plaintiff contacted counsel for Cavalry to get the balance owed on the consent judgment.
15. Cavalry wrote to Plaintiff on May 2, 2016 and wrongfully misrepresented that the amount required to satisfy the “Judgment Lien” was \$6,400.85. This is approximately \$6,000.00 more than was actually owed by Plaintiff.

CAUSES OF ACTION

COUNT ONE

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT 15 U.S.C. § 1692 et seq.

16. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.
17. The foregoing acts and omissions of Defendant and its employees and agents constitute numerous and multiple violations of the FDCPA, 15 U.S.C. § 1692 *et seq.*, with respect to Plaintiff.

18. As a direct and proximate result of the wrongful conduct visited upon Plaintiff by Defendant in its collection efforts, Plaintiff suffered actual damages including, but not limited to, worry, stress, anxiety, embarrassment, physical pain, mental anguish and emotional distress.
19. As a result of Defendant's violations of the FDCPA, Plaintiff is entitled to actual damages in an amount to be determined by a struck jury pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages in an amount up to \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and, reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3), from Defendant.

PLAINTIFF DEMANDS A TRIAL BY STRUCK JURY

/s/ W. Whitney Seals
W. WHITNEY SEALS,
Attorney for Plaintiff

OF COUNSEL:

PATE & COCHRAN, L.L.P.
P. O. Box 10448
Birmingham, AL 35202-0448
Telephone: (205) 323-3900
Facsimile: (205) 323-3906
filings@plc-law.com

PLAINTIFF'S ADDRESS:

Steven E. Johnson
2452 Ridgemont Drive
Birmingham, AL 35244

**PLEASE SERVE THE DEFENDANT BY CERTIFIED MAIL,
RETURN RECEIPT REQUESTED TO THE FOLLOWING
ADDRESS:**

CAVALRY SPV I, LLC
c/o Registered Agent
CT Corporation System
2 North Jackson Street, Ste. 605
Montgomery, AL 36104